UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION)))) MDL No. 2419
THIS DOCUMENT RELATES TO:	Docket No. 1:13-md-2419 (RWZ)
ALL CASES)))

NON-PARTY THE EMORY CLINIC'S MOTION TO QUASH SUBPOENA FOR DEPOSITION BY WRITTEN QUESTIONS

Non-Party The Emory Clinic, Inc. ("TEC") hereby moves, pursuant to Fed. R. Civ. P. 45(d)(3)(A)(iv), to quash the subpoena (the "Subpoena") issued to the "Emory Clinic Ambulatory Surgery Center" by Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith- Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D.

In support of this Motion, TEC relies upon the following court papers, filed herewith: (1) Non-Party The Emory Clinic's Memorandum of Law in Support of its Motion to Quash Subpoena for Deposition by Written Questions; (2) Affidavit of Evangeline Dennis; and (3) Affidavit of Frank N. Gaeta.

WHEREFORE, TEC respectfully requests this Court to quash the Subpoena.

REQUEST FOR ORAL ARGUMENT

TEC respectfully requests a hearing on this Motion.

Respectfully submitted,

THE EMORY CLINIC, INC.

By its attorneys,

/s/ Frank N. Gaeta

Frank N. Gaeta (BBO #561388) RICH MAY, P.C. 176 Federal Street Boston, MA 02110 (617) 556-3800 fgaeta@richmaylaw.com

Dated: April 1, 2016

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that counsel for Emory conferred with counsel for the Premier Defendants in good faith to resolve or narrow the issues presented in this Motion and such efforts were unsuccessful.

/s/ Frank N. Gaeta
Frank N. Gaeta

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper or electronic copies will be delivered to those indicated as non-registered participants on April 1, 2016.

/s/ Frank N. Gaeta
Frank N. Gaeta